

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 1/16/08  
49th Day: 3/5/08  
180th Day: 7/14/08  
Staff: Meg Vaughn-LB  
Staff Report: March 20, 2008  
Hearing Date: April 9-11, 2008  
Commission Action:



# Th 3b

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-07-439

**APPLICANT:** Westchester Bay/Seagate Lagoons Homeowners Association

**AGENT:** Jack Kidd

**PROJECT LOCATION:** Marina area seaward of Windspun Dr., Tortola Circle, Bimini Lane, Aruba Circle, Montego Drive, Dominica Circle, and Bonaire Circle, Huntington Beach, Orange County

**PROJECT DESCRIPTION:** Replace floats of existing 227 slip marina with same number and configuration of slips. Most of the existing/proposed slips are 30 feet in length, but range up to 55 feet (only 4 slips are 45 feet or longer). No change to piles is proposed. No bottom disturbing activities are proposed.

**LOCAL APPROVALS RECEIVED:** City of Huntington Beach Approval-In-Concept dated October 31, 2007.

**SUBSTANTIVE FILE DOCUMENTS:** City of Huntington Beach certified Local Coastal Program

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**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing replacement of an existing marina in the same location and configuration. The existing piles will remain in place and no bottom disturbing activities are proposed.

Staff is recommending **APPROVAL** of the proposed project with three (3) special conditions regarding: 1) construction responsibilities and debris removal; 2) best management boating practices; and 3) acknowledgement that approval of this permit does not constitute a waiver of any public rights that exist or may exist on the property.

**LIST OF EXHIBITS**

1. Location Map
  2. Project Plans
-

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

**MOTION:**

*I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION:**

**I. APPROVAL WITH CONDITIONS**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. SPECIAL CONDITIONS**

#### **1. Construction Responsibilities and Debris Removal**

- (a) No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- (b) Any and all construction material shall be removed from the site within 10 days of completion of construction.
- (c) Machinery or construction materials not essential for project improvements shall not be allowed at any time in the intertidal zone.
- (d) If turbid conditions are generated during construction a silt curtain shall be utilized to control turbidity.
- (e) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- (f) Non-buoyant debris discharged into coastal waters shall be recovered by divers as soon as possible after loss.

#### **2. BEST MANAGEMENT PRACTICES PROGRAM**

By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

##### **(a) Boat Cleaning and Maintenance Measures:**

1. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris.
2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized.
3. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

(b) Solid and Liquid Waste Management Measures:

1. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or gutter.

(c) Petroleum Control Management Measures:

- a. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent material shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters will regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited.
- b. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids.
- c. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

**3. Public Rights**

The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. PROJECT LOCATION AND DESCRIPTION**

The applicant is proposing to replace the floats of an existing 227 slip marina with the same number and configuration of slips. Eighty-two percent of the existing/proposed slips are 30 feet in length, but range up to 55 feet. Slips ranging from 34 feet to 40 feet represent 15% of the total number of slips and 4 slips are between 45 feet to 55 feet. The

majority of slips are U-shaped docks, but there are a number of side ties as well. No change to piles is proposed. No bottom disturbing activities are proposed. The subject site is located within the marina area seaward of Windspun Drive, Totorla Circle, Bimini Lane, Aruba Circle, Montego Drive, Dominica Circle, and Bonaire Circle, in the City of Huntington Beach, Orange County. Pump out facilities available to the general public are located at Peter's Landing (approximately 1 mile southwest of the site), Harbor Master/Sheriff's station located within Sunset Aquatic Park (approximately one mile northwest of the site), and Huntington Harbor Yacht Club (approximately 1 ½ miles southwest of the site). Public access is available at Seabridge Beach Park approximately ½ mile west of the subject site. Public access is also available at Sunset Aquatic Park approximately one mile northwest of the site.

The marina is located within the waters of Huntington Harbor. In this area of Huntington Harbor, the water area is owned by the City of Huntington Beach. A letter inviting the City to join as co-applicant was sent on March 18, 2008 and to date no response has been received. In addition, an approval in concept was received from the City, indicating the City is aware of the project. Furthermore, a special condition is imposed stating that the approval of a coastal development permit for the project does not waive any public rights or interest that exist or may exist on the property.

The subject site is located within the City of Huntington Beach, which has a certified Local Coastal Program. However, due to the project location seaward of the mean high tide line, the project is within an area of the Commission's retained permit jurisdiction. Nonetheless, the City's certified Local Coastal Program may be used as guidance. The land use designation at the site is Open Space – Water (OS – W). The site is zoned Open Space Water Recreation. The proposed development is consistent with the City's certified LCP, specifically with Implementation Plan Chapter 213 Open Space District, which allows marinas as a use in this district.

The site fronts on Huntington Harbour. The proposed marina is a replacement in kind of the floats of an existing marina and is similar in function to the other boat dock/marina development within Huntington Harbor. The majority of harbor front, residential development in Huntington Harbour is surrounded by private recreational boat docks/marinas. The proposed marina project is similar in function to other docks associated with residential development in the vicinity. The marina boat docks will be used solely for boating recreation purposes. The proposed development is consistent with past Commission actions in the area. Thus, as conditioned, the proposed marina replacement will have no adverse impact on coastal access or resources in the project vicinity, and is consistent with the Chapter 3 policies of the Coastal Act.

## **B. PUBLIC ACCESS**

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224,

and 30252 of the Coastal Act.

**C. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive, drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**D. LOCAL COASTAL PROGRAM**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. An LCP for the City of Huntington Beach was effectively certified in March 1985. However, the proposed development is occurring within an area of the Commission's original permit jurisdiction, due to the project location seaward of the mean high tide line. Consequently, the standard of review is the Coastal Act and the City's LCP is used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

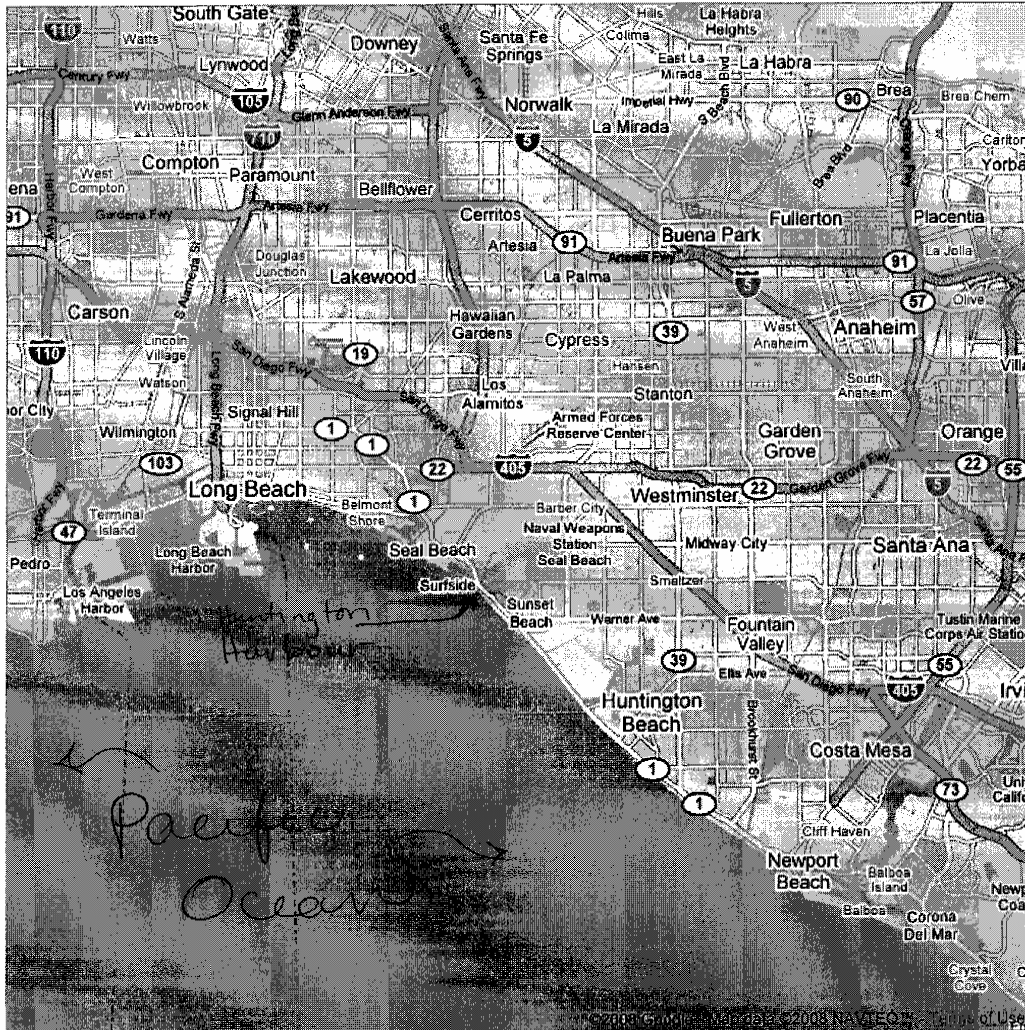


Address **Orange**  
**California**

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Text the word "GMAPS" to 466453



5-07-439

Westchester Bay / Seagate  
Marina

Location Map

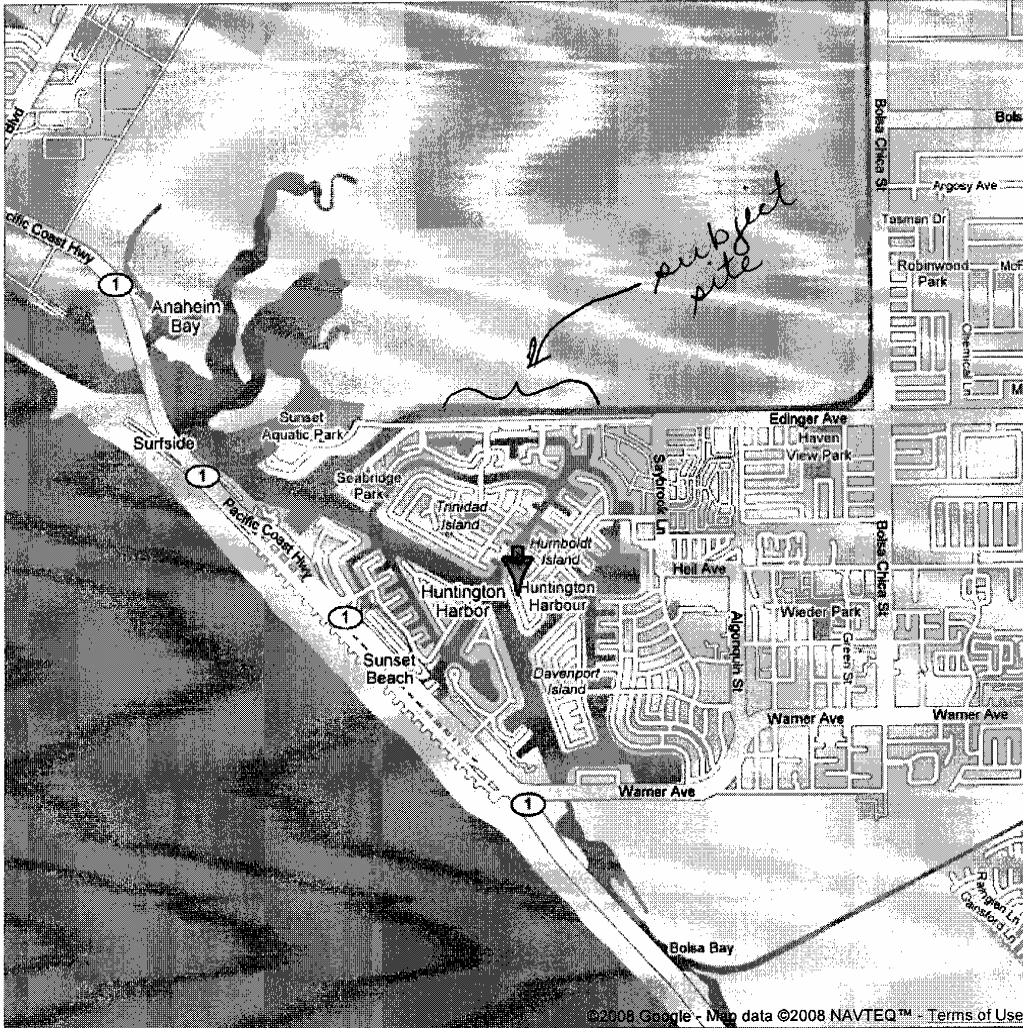
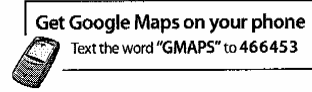
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EXHIBIT # 1  
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5-07-4398 (Westchester Bay/Seagate HOA))  
Staff Report-Consent Calendar  
Page 8



Address **Huntington Harbour**  
**Huntington Beach, CA**



*Location Map*

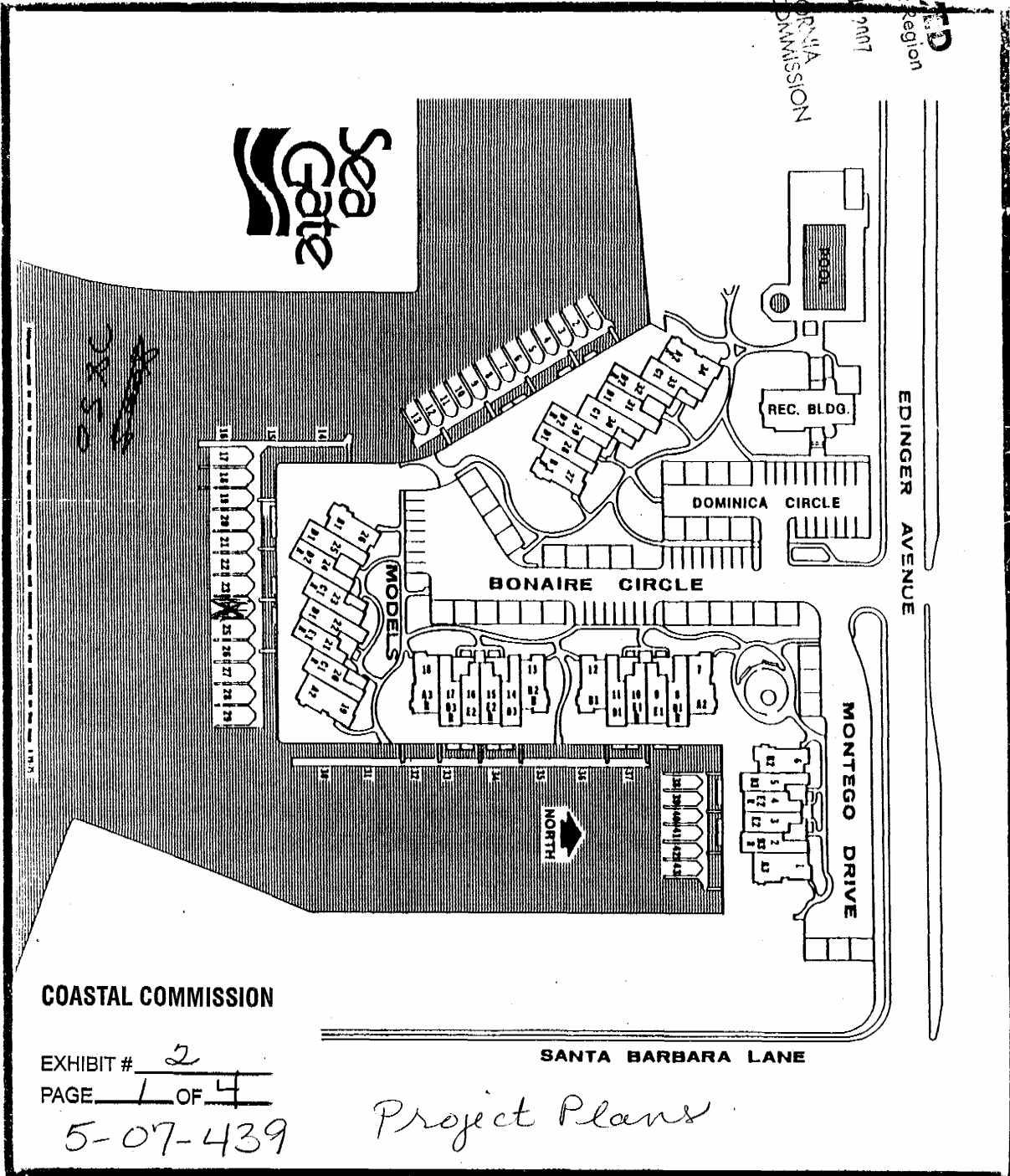
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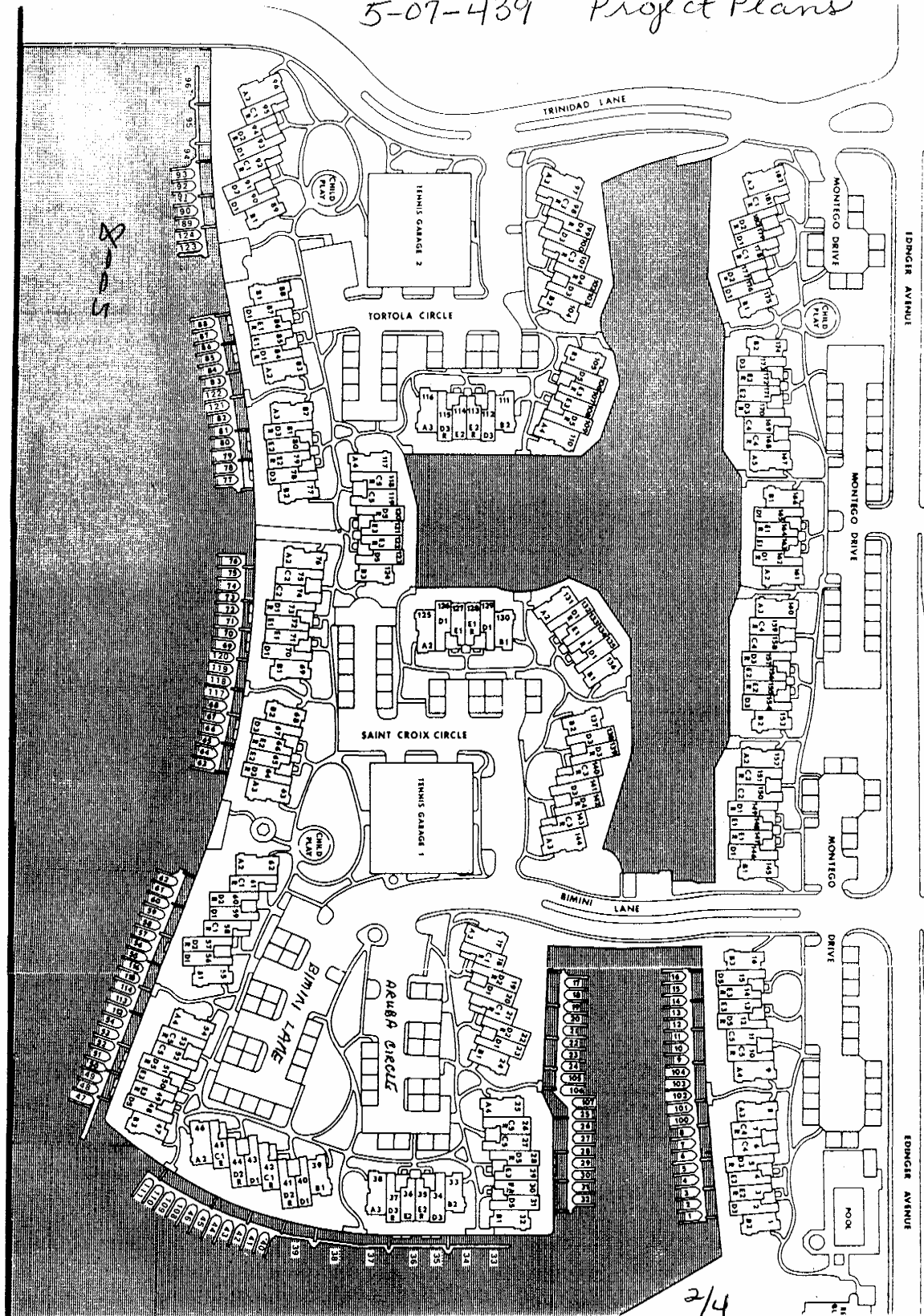
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EXHIBIT # 1  
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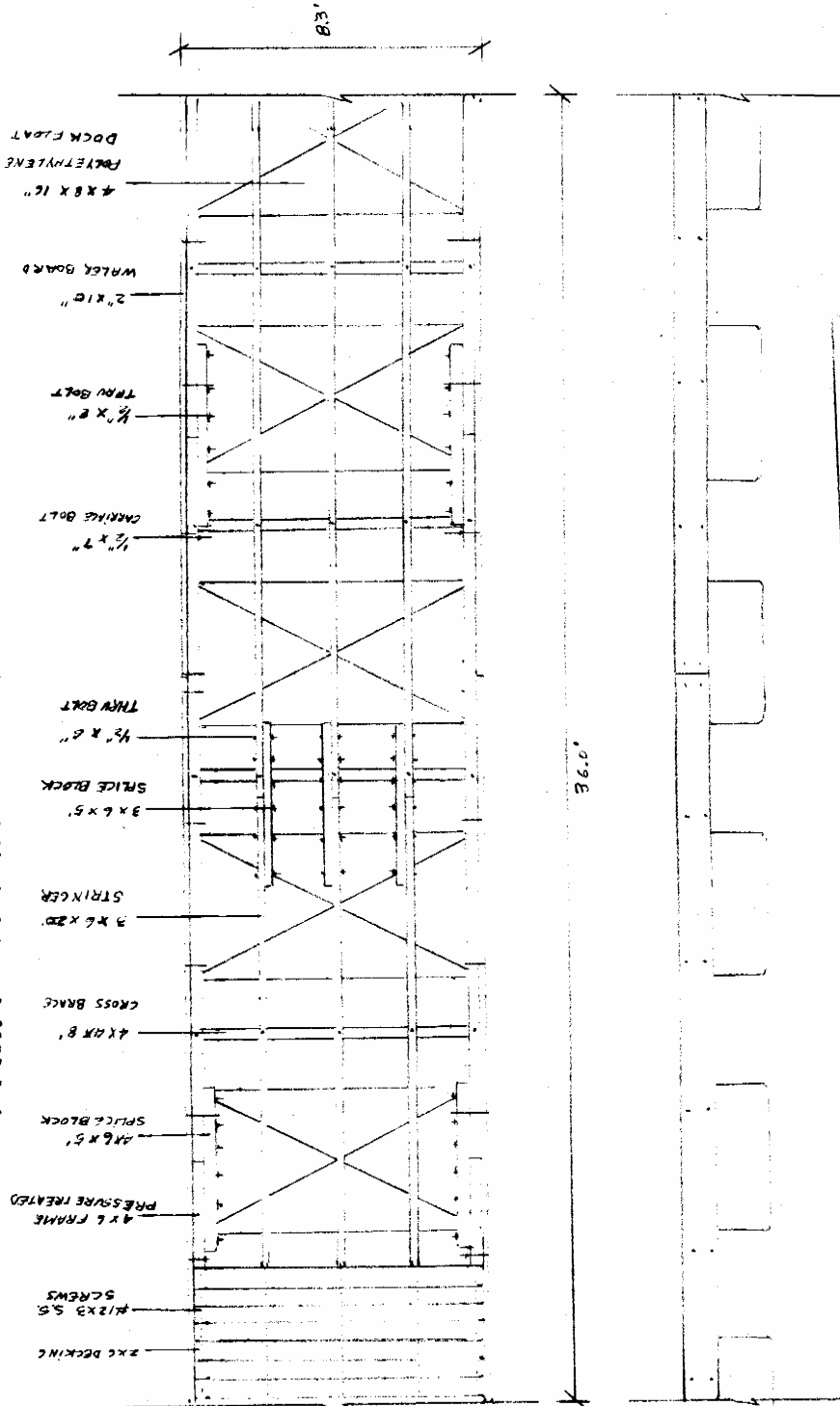


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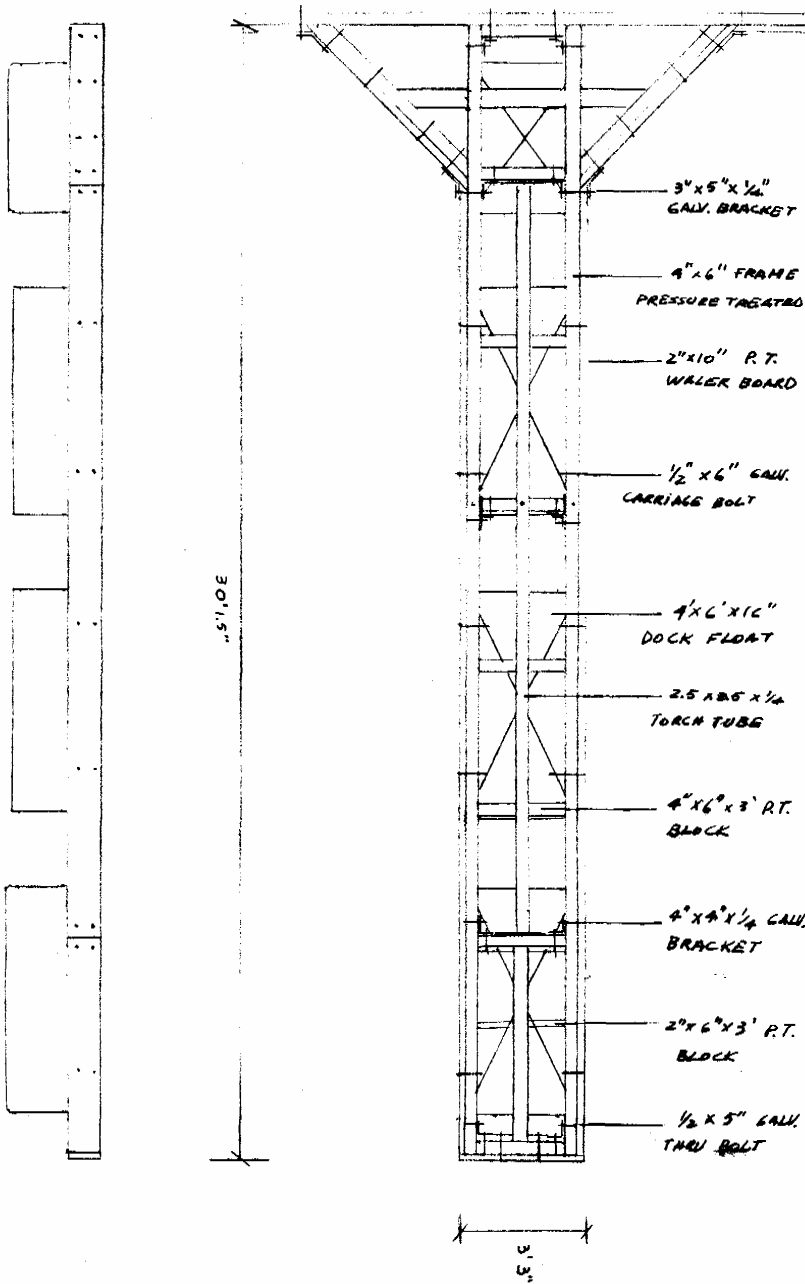
# Main Walk Frame



JOB : SEAGATE H.O.A.  
 SCALE: 30' = 1" = 0"

APPROVED  
 IN CONCEPT  
 PUBLIC WORKS  
 CITY OF HUNTINGTON BEACH  
 DATE 12/6/17

DOCK Finger Frame



APPROVED  
 IN CONCEPT  
 PUBLIC WORKS  
 CITY OF HUNTINGTON BEACH  
 DATE 12/6/07

JOB : SEAGATE H.O.A.  
 SCALE : 30 = 1'-0"

5-07-439 Project Plans

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